



American Type Culture Collection

13301 Publico Drive • Rockville, MD 20852 USA • Telephone: (301)331-4525 Telex: 943-768 ATCCRYK • FAX: 301-316-4344

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Aqua Health Ltd.
Attn: Kira Salenius
West Royalty Industrial Park
Charlottetown, PEI C1E 1B0 CANADA

Deposited on Behalf of: Aqua Health Ltd.

Identification Reference by Depositor:

ATCC Designation

Arthrobacter sp. RSXII

55921

The deposit was accompanied by: ___ a scientific description X a proposed taxonomic description indicated above.

The deposit was received December 20, 1986 by this International Depository Authority and has been accepted.

AT YOUR REQUEST:

X We will not inform you of requests for the strain.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested January 2, 1997. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: January 2, 1997

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FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV335544805US
Express Mail Label NumberAugust 5, 2003
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF Griffiths et al.
APPLICATION NO: Not Yet Assigned
FILED: Herewith

Confirmation Number:
Art Unit:
Examiner:

FOR: Renibacterium Salmoninarum Vaccine

Assistant Commissioner for Patents
Washington, D.C. 20231

STATEMENT OF PUBLIC AVAILABILITY OF BIOLOGICAL MATERIAL

I, David L. Marks, Registration Number 37,881, am the duly appointed attorney of record for the above referenced patent application by virtue of a Revocation and Appointment of Power of Attorney that is being filed concurrently with this document.

I, hereby state, that the biological material in the above referenced patent application is *Arthrobacter* species strain RSxII has been deposited with American Type Culture Collection, 10801 University Boulevard, Manassas, VA 20109 on December 20, 1996 and assigned ATCC Designation Number 55921. American Type Culture Collection is an International Depository Authority under the provisions of the Budapest Treaty.

All restrictions upon public access to the deposit will be waived should a U.S. Patent be issued citing the deposited biological material. While the American Type Culture Collection acknowledges that the deposited biological material was viable, should the culture die, be destroyed, or unviable samples cannot be dispensed during the effective term of the deposit, the Applicants will replace the deposited biological material.

Attached is a copy of American Type Culture Collection's Receipt issued on January 2, 1997, acknowledging the deposit of this biological material and the viability of the biological material.

Respectfully submitted,



David L. Marks
Attorney for Applicants
Reg. No. 37,881

Novartis
Corporate Intellectual Property
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East Hanover, NJ 07936-1080
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Date: August 5, 2003